

112TH CONGRESS
1ST SESSION

H. R. 2021

To amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. GARDNER (for himself, Mr. GENE GREEN of Texas, Mr. POMPEO, Mr. SHIMKUS, Mr. SCALISE, Mr. BURGESS, Mr. TERRY, Mr. PITTS, Mr. KINZINGER of Illinois, Mr. GRIFFITH of Virginia, Mr. OLSON, and Mrs. McMORRIS RODGERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jobs and Energy Per-
5 mitting Act of 2011”.

6 **SEC. 2. AIR QUALITY MEASUREMENT.**

7 Section 328(a)(1) of the Clean Air Act (42 U.S.C.
8 7627(a)(1)) is amended by inserting before the period at
9 the end of the second sentence the following: “, except that

1 any air quality impact of any OCS source shall be meas-
2 ured or modeled, as appropriate, and determined solely
3 with respect to the impacts in the corresponding onshore
4 area”.

5 **SEC. 3. OCS SOURCE.**

6 Section 328(a)(4)(C) of the Clean Air Act (42 U.S.C.
7 7627(a)(4)(C)) is amended in the matter following clause
8 (iii) by striking “shall be considered direct emissions from
9 the OCS source” and inserting “shall be considered direct
10 emissions from the OCS source but shall not be subject
11 to any emission control requirement applicable to the
12 source under subpart 1 of part C of title I of this Act.
13 For platform or drill ship exploration, an OCS source is
14 established at the point in time when drilling commences
15 at a location and ceases to exist when drilling activity ends
16 at such location or is temporarily interrupted because the
17 platform or drill ship relocates for weather or other rea-
18 sons.”.

19 **SEC. 4. PERMITS.**

20 (a) PERMITS.—Section 328 of the Clean Air Act (42
21 U.S.C. 7627) is amended by adding at the end thereof
22 the following:

23 “(d) PERMIT APPLICATION.—In the case of a com-
24 pleted application for a permit under this Act for platform
25 or drill ship exploration for an OCS source—

1 “(1) final agency action (including any recon-
2 sideration of the issuance or denial of such permit)
3 shall be taken not later than 6 months after the date
4 of filing such completed application;

5 “(2) the Environmental Appeals Board of the
6 Environmental Protection Agency shall have no au-
7 thority to consider any matter regarding the consid-
8 eration, issuance, or denial of such permit;

9 “(3) no administrative stay of the effectiveness
10 of such permit may extend beyond the date that is
11 6 months after the date of filing such completed ap-
12 plication;

13 “(4) such final agency action shall be consid-
14 ered to be nationally applicable under section
15 307(b); and

16 “(5) judicial review of such final agency action
17 shall be available only in accordance with such sec-
18 tion 307(b) without additional administrative review
19 or adjudication.”.

20 (b) CONFORMING AMENDMENT.—Section 328(a)(4)
21 of the Clean Air Act (42 U.S.C. 7627(a)(4)) is amended
22 by striking “For purposes of subsections (a) and (b)” and
23 inserting “For purposes of subsections (a), (b), and (d)”.

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